

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

HELSON PABON GONZALEZ,

Plaintiff,

v.

SGT. SNODGRASS, BRIAN KOOL,
GARY BOUGHTON, CP. GARDNER,
and MARK KARTMAN,

Defendants.

ORDER

18-cv-784-jdp¹

Plaintiff Helson Pabon Gonzalez, appearing pro se, is a prisoner at Wisconsin Secure Program Facility. Over the past few years, Pabon Gonzalez has filed more than a dozen lawsuits about his treatment at Wisconsin prisons. In the course of doing so, he has incurred three “strikes” under 28 U.S.C. § 1915(g), which means that he cannot obtain indigent status under § 1915 in any suit he files during the period of his incarceration unless he alleges facts in his complaint from which an inference may be drawn that he is in imminent danger of serious physical injury. *See* Dkt. 20 in Case No. 17-cv-851-jdp (assessing Pabon Gonzalez strikes in four cases).

In six recent cases, I have denied Pabon Gonzalez leave to proceed *in forma pauperis* because his allegations did not meet the imminent-danger requirement of 28 U.S.C. § 1915(g). Those cases are:

- 18-cv-784-jdp: Pabon Gonzalez alleges that prison staff denied his request to send money to an outside educational program, and officials did not promptly

¹ Although the caption here includes only case no. 18-cv-784-jdp, the clerk of court is directed to docket this opinion in each of the other cases discussed in this opinion.

help him get medical treatment after he injured himself out of frustration at that denial.

- 18-cv-786-jdp: Pabon Gonzalez alleges that prison staff confiscated his legal materials and institution grievance papers.
- 18-cv-787-jdp: Pabon Gonzalez alleges that a correctional officer verbally abused him and that he did not get timely medical treatment in 2014.
- 19-cv-333-jdp: Pabon Gonzalez alleges that while he was incarcerated at Fox Lake Correctional Institution, he received false conduct reports, was kept in segregation longer than ordered, and a doctor did not give him proper medical treatment.
- 19-cv-436-jdp: Pabon Gonzalez alleges that officers give him false conduct reports and harass him by waking him at an early morning medication call time, even though he discontinued his medications.
- 19-cv-443-jdp: Pabon Gonzalez alleges that he became sick after he was given pain medication that had passed its expiration date.

In each of these cases, I gave Pabon Gonzalez a chance to continue with the case by paying the entire \$400 filing fee. I told him that I would dismiss any case for which he did not pay the entire fee. Pabon Gonzalez has responded, stating that he currently cannot pay those fees but that he intends to do so, in person at the courthouse, on March 30, 2020. *See* Dkt. 19, at 1. He says that if he fails to do so, I may then close all of his cases. *Id.* But he cannot forestall the effect of my decision to close his cases by promising to pay the fees months from now. Because Pabon Gonzalez makes clear that he will not immediately pay the \$400 fee for any of these cases, I will dismiss each case without prejudice, which means that he may refile any of these cases once he has the financial means to do so.

ORDER

IT IS ORDERED that case nos. 18-cv-784-jdp; 18-cv-786-jdp; 18-cv-787-jdp; 19-cv-333-jdp; 19-cv-436-jdp; and 19-cv-443-jdp are DISMISSED without prejudice. The clerk of court is directed to enter judgment accordingly.

Entered July 15, 2019.

BY THE COURT:

/s/

JAMES D. PETERSON
District Judge